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TESTIMONY BEFORE THE JUDICIARY COMMITTEE

Senator Martin M. Looney  
March 14, 2016

In support of:

**Governor's H.B. 5054 An Act Protecting Victims of Domestic Violence**

**S.B. 429 An Act Concerning Service of Restraining Orders**

Good Morning Senator Coleman, Representative Tong, members of the Judiciary Committee, thank you for the opportunity to testify in strong support of H.B. 5054 An Act Protecting Victims of Domestic Violence and S.B. 429 An Act Concerning Service of Restraining Orders.

H.B. 5054 contains a number of proposals intended to better protect victims of domestic violence and improve the service of temporary restraining orders throughout our state. One of its central proposals requires the surrender of all firearms and ammunition by an individual who has received notice that he or she is a respondent to a temporary restraining order ("TRO") issued by a court. I endorse the approach recommended by the Governor to this critically important public safety issue. H.B. 5054 requires respondents to surrender their firearms and ammunition within 24 hours of receiving notice that they are the subject of a restraining or protective order issued by a court of this state, whether that is a temporary *ex parte* order or a permanent order, or a foreign order of protection issued by a court in another jurisdiction.

It is beyond dispute that one of the most dangerous times in an abusive domestic relationship is the period immediately following the service of a TRO. It is in this initial, likely highly volatile stage that the victim of abuse may be most in need of protection – and there is the most urgent need to prohibit the respondent's access to firearms. It is due to this inherent danger that the laws of several states, including our neighbor Massachusetts, already require respondents to TROs to surrender any weapons or ammunition in their possession. With H.B. 5054, victims of domestic violence in Connecticut will now receive the same, critically needed level of protection.

This is a crucial reform that we must undertake for the safety of successful TRO applicants and their families. TROs in Connecticut are granted when the court finds that an applicant has demonstrated his or her allegation that there is an *immediate and present physical danger* to the applicant, and that therefore emergency relief must be granted. Given the emergency nature of such relief, in Connecticut and elsewhere, respondents to *ex parte* TROs already can be subject to numerous legal restrictions on their activities. They often cannot return home, or make contact

with the successful applicant. They also can be prohibited from discontinuing financial support for the applicant. Because of the need to immediately implement such necessary legal protections before a full hearing takes place, Connecticut law requires that a hearing before the court on the temporary order must be held extremely quickly – within 14 days from the issuance of the temporary order. The respondent quickly has his or her day in court, at which time the TRO is either dismissed or the order is converted into a permanent, year-long restraining order. Furthermore, the bill would provide the applicant the opportunity to indicate on the application form if the respondent is employed in a position which requires the ability to carry a firearm. The court can take that information into consideration in scheduling a hearing as soon as practicable.

Thus, the reform demanded by H.B. 5054 is by its nature temporary and of extremely short duration – at most 14 days if the TRO is served immediately, likely less if the TRO is served sometime after that but before the permanent hearing. *And yet, the benefit to the safety of applicants and their families could be without measure – literally, the difference between life and death.* We must require the temporary surrender of firearms and ammunition by individuals who are the subjects of TROs in the State of Connecticut.

The bill also mandates that the State Marshal Commission adopt rules to ensure access to a state marshal for a restraining order applicant and to provide services to people with limited English proficiency or who are deaf or hearing impaired. In addition, the Chief Court Administrator must simplify the application process. Each applicant will receive a one-page, plain language explanation of how to apply for a restraining order. This will provide easier and streamlined access to applicants seeking these important legal protections.

The bill makes changes to the procedure for service of TROs. It provides that a police officer will accompany a state marshal when serving a TRO to a respondent when an applicant has indicated on the application form that the respondent possesses firearms or permits/eligibility certificates. Having trained law enforcement present to deescalate potentially dangerous situations will greatly enhance victim safety.

S.B. 429 goes a step further and gives applicants the option of choosing that a police officer, instead of a state marshal, actually serve the TRO to the respondent when the applicant has indicated that the respondent has firearms or a permit/eligibility certificate. The committee could consider combining these important proposals from both bills. In any event, I am fully supportive of both H.B. 5054 and S.B. 429.

It is noteworthy that these reforms regarding the procedure for service of TROs were agreed upon in the Task Force to Study Service of Restraining Orders, created in Public Act 14-217. The Task Force met regularly from September 2014 through January 2015. It was comprised of representatives from the Police Chiefs Association, the Judicial Branch, state marshals, prosecutors, public defenders, the Department of Emergency Services and Public Protection, domestic violence advocacy organizations, the Office of the Victim Advocate, the General Assembly and others. It studied in depth the current process of serving restraining orders in Connecticut, as well as best practices from other states throughout both our region and the nation. The recommendations of the Task Force were all issued unanimously by its members.

Among the Task Force recommendations, H.B. 5054 proposes the following, all of which are already the law in several states in our region:

- That current law be amended to require, as do many states throughout our region, that police officers are a part of the TRO service process in cases where the applicant has indicated as part of the application that the respondent is in possession of a firearm, ammunition or a firearm or ammunition permit or eligibility certificate;
- That current law be amended to allow the court to continue a TRO for up to fourteen additional days if it has not been served by the date of the hearing, as opposed to current law which requires applicants to start the entire process anew;
- That current law be amended to require TROs to be served at least 3 days prior to the hearing, as opposed to the current 5 day requirement;
- That there be a uniform procedure around utilization of the statewide judicial protective order registry system and for reporting successful service attempts;
- That more instructions and information be provided to applicants; and
- That the Judicial Department engages in robust data collection procedures regarding orders, hearings and methods of service.

I urge you to support these essential reforms contained in H.B. 5054 and S.B. 429, which I believe will greatly enhance the safety of TRO applicants in Connecticut as well as greatly improve the process of serving TROs. Thank you for your consideration.